

REMARKS

Claims 9 and 11-18 are pending in this application. Claims 13-16 are withdrawn. By this Amendment, claim 9 is amended to incorporate the subject matter of claim 10 and claim 10 is canceled. No new matter is added.

The Office Action rejects claims 9-12, 17 and 18 under 35 U.S.C. §103(a) over WO 01/16049 to Beall in view of U.S. Patent No. 5,069,697 to Hamaguchi et al. ("Hamaguchi"). This rejection is respectfully traversed.

The rejection of claim 9 lacks merit for two reasons. First, the applied references do not disclose adding colloidal particles as a super-additive to the clay. Second, Beall does not disclose or suggest a need for a pore-forming agent.

I. Beall Does Not Disclose Adding Colloidal Particles as a Super Additive

Claim 9, as amended, recites "mixing and kneading at least an aggregate particle material composed of a ceramic and/or a metal, water, an organic binder, and a pore former that differs in composition from said organic binder to form clay, [and] adding colloidal particles as a super-additive to the clay." Beall and Hamaguchi do not disclose or suggest these features, as recited in claim 9.

The Office Action asserts that page 8, lines 8-9 of Beall disclose using colloidal silica. As such, the Office Action asserts that Beall discloses the recited colloidal particles.

Beall discloses a binder system in which there are 100 parts by weight of the "inorganic, alumina and silica forming sources and talc, raw material mixture." See page 9, lines 16-21 of Beall. This combination of components is allegedly equivalent to the recited aggregate particle material of claim 9. Beall further discloses colloidal silica as one of the above mentioned silica forming sources. Thus, the colloidal silica disclosed by Beall is used as part of the alleged aggregate particle material.

By contrast, claim 9 recites mixing aggregate particle material and colloidal particles as a super-additive in the clay. In other words, the aggregate particle material and the colloidal particles are two separate claim elements. The colloidal particles are a distinct super-additive.

The Advisory Action asserts that "Beall discloses using colloidal silica mixed with other aggregate particles...there are no limitations found in [the] claims that make such a reading unreasonable." Claim 9, as amended, now explicitly recites that the colloidal particles are a superadditive. Beall does not disclose adding colloidal particles as a super-additive. As such, Beall does not disclose each and every feature of claim 9, as amended.

II. Beall Does Not Disclose The Need For a Pore-Forming Agent

The combination of Beall and Hamaguchi also lacks merit, because Beall does not disclose or suggest a need for a pore-forming agent. Beall discloses that excellent results have been obtained utilizing a binder system comprising the raw material mixture; sodium stearate; a methylcellulose or hydroxypropyl methylcellulose binder; and water. See page 9, lines 16-21 of Beall. There is no mention of a pore-forming agent, nor of a need for one.

The Advisory Action asserts that this is not persuasive because those of ordinary skill in the art would still be motivated to improve the method. However, the prior art must provide some suggestion or direction such that one of ordinary skill in the art would believe it obvious to try the specific approach recited in the claims to make such an improvement. Beall does not identify a problem with its method that would lead one of ordinary skill in the art to the belief that a logical next step would be to use a pore-forming agent. Thus, Applicant continues to respectfully assert that it is mere hindsight to assert that it would have been obvious to improve the binder system of Beall with a pore-forming agent.

III. Conclusion

For at least the above reasons, the rejection of claims 9-12, 17 and 18 lacks merit. Accordingly, withdrawal of the rejection of claims 9, and claims 11, 12, 17 and 18 depending therefrom, is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Request for Continued Examination
Petition for Extension of Time

Date: August 1, 2008

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